IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1832 OF 2007

Aditi Baldev Sharma ..Applicant

Vs.

State of Maharashtra ..Respondent

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Mr.Shirish Gupte Senior Counsel with Mr.S.P. Hulyalkar and V.M.Patil Advocates for Applicant
Mr.Rajesh More A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 28, 2007

P.C.

1. Heard the learned senior counsel for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No.206 of 2007 of Nigadi Police Station, Pune. The said case is mainly under Section 302 of IPC.

3. It is the prosecution case that applicant Aditi Sharma and Udit (deceased) were both studying in Pune. A love affair developed between the two of them and they were to get married. However, thereafter their relations broke off. This was

approximately 8 months prior to the incident. Thereafter, Aditi was involved with co-accused Pravin Khandelwal. It is the case of the prosecution that co-accused Pravin had threatened Udit in October, 2006. Thereafter the co-accused Pravin and Aditi both went to Gurgaon near Delhi. It is the prosecution case that on 22.4.2007, co-accused Pravin and Aditi both came to Pune and they resided in a lodge. Aditi contacted Udit and they met at Mc'Donalds at Pune at about 9.30 p.m. there Aditi gave him some "Prasad" which Udit consumed. Thereafter, Udit came back to his room. After some time, Udit started vomiting and having loose motions, hence, he came to be admitted in the hospital in ICU. Udit was unconscious at that time. The stomach wash was taken and it was found that the contents contained the poison ''arsenic".

Udit died on 24.4.2007 in the hospital.

4. The learned APP states that there are serious allegations against the applicant. It is further stated by the APP that Narco Analysis Test of the applicant has to be conducted. However, Mr.Gupte submitted that Aditi is a young unmarried girl, she has been in custody for about two months and as the investigation is almost over, Aditi need not be

kept in jail, only for the purpose of conducting Narco Analysis Test.

5. Though the applicant is a young girl, serious allegations have been made against her. She is the main accused and she has been assigned the main role. The investigation is going on. The Narco Analysis Test would provide valuable clues for investigation. In this view of the matter, I am not inclined to grant bail to the applicant at this stage. Application is rejected. However, the prosecution to get Narco Analysis Test done expeditiously and the same be conducted as far as possible by 6.7.2007.

6. Liberty is granted to the applicant to prefer a fresh application for bail before the concerned Sessions Court, after the Narco Analysis Test of the applicant is conducted. On such application being made, the learned Sessions Judge shall consider the same without being influenced by any observations made in the earlier order dated 1.6.2007 and this order.

7. Application is disposed of.

8. The concerned authorities to act on the authenticated copy of this order.

[SMT. V.K.TAHILRAMANI, J.]